

**CUSTOMER NO.: 24498**  
**Serial No.: 10/585,363**  
**Date of Office Action: 02/05/08**  
**Response dated: 06/04/08**

**PATENT**  
**PD040013**

**Remarks/Arguments**

In the non-final Office Action dated February 5, 2008, it is noted that claims 39-51 are pending in this application and that claims 31-59 stand rejected under 35 U.S.C. §102.

By this response, claims 39 and 44 have been amended. Claim 39 has been amended to clarify certain aspects of the present claimed invention. Claim 44 has been amended to correct a typographical error. The amendments to the claims are believed to be proper and justified in light of the original application. No new matter has been added.

***Amendments to Claim 39***

The amendments to claim 39 concerning the first and second steps for dynamically displaying have been made to clarify these aspects of the claimed invention. The amendments are supported by the original specification at least from p. 13, line 34 through p. 14, line 9 as follows:

*The selecting device 1 comprises:*

- a providing unit 11 for repeatedly providing a first and a second dynamic display sub-list of the list L1, respectively noted SL1 and SL2, for displaying on the screen 2;*
- a display controlling unit 12 for controlling an orderly displaying of the items of the sub-lists SL1 and SL2 side by side on the screen 2, simultaneously in respectively two scrolling zones SZ1 and SZ2;*
- a scrolling unit 13 for scrolling the list L1 on the screen 2 in the two scrolling zones SZ1 and SZ2, by repeatedly modifying the items of the sub-lists SL1 and SL2 through cancelling firstly introduced items in the sub-lists and introducing new items from the list L1, wherein the scrolling unit 13, when operated, scrolls the list L1 at different speeds in the respective scrolling zones SZ1 and SZ2, finding speeds values in a speeds database 22 .... [Emphasis supplied].*

***Cited Art***

The following reference has been cited and applied in the present Office Action: U.S. Patent Application Publication No. 2002/0129366 to Schein et al. (hereinafter referenced as "Schein").

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***Rejection of Claims 39-51 under 35 U.S.C. §102***

Claims 39-51 stand rejected under 35 U.S.C. §102 as being anticipated by Schein. This rejection is respectfully traversed.

Claim 39 is an independent base claim from which claims 40-51 depend either directly or indirectly. The remarks below are related primarily to the features in claim 39.

The present inventive method as defined in the claims relies, at least in part, on the use of two adjacent scrolling zones that permit scrolling through items from one list of items. That is, the two adjacent scrolling zones display items that are included in the same list, namely, "the list of items." *See antecedent relationship for the list of items in claim 39.* In this manner, the present claimed invention permits the display of items from the one list in two scrolling zones instead of in just one scrolling zone. The items in the two scrolling zones are automatically scrolled by a program and continuously pass by on the screen. As noted in the claims, the items are dynamically displayed by automatically replacing the items in the scrolling zones instead of by manually initiating a scroll-function by a user. Also as noted in the claims, it is possible to elect one scrolling zone over the other thereby effectively moving from one scrolling zone to the other.

As explained in the specification at page 3, lines 14-18, the method according to claim 39 takes advantage of the fact that a human eye can recognize scrolling texts on a screen, even if two or more lines are displayed side by side. The claimed method provides a convenient technique for rapid efficient selection of an item from a list. Changing items are simultaneously displayed in two adjacent scrolling zones, where a particular item of interest may be selected.

Schein appears to disclose a system and a method,

*"for displaying schedule information on a visual interface ... [and] for allowing the viewer to navigate and interact with a program guide that is displayed ... [wherein] [t]he program guide will usually include a schedule information area that depicts the programs that are being presented on each channel at each time during the day ... [so that] [w]ith an input device ... the viewer can browse through the schedule information area and/or obtain more information about programs of particular interest." See Schein at paragraph [0008].*

In Schein, schedule information is displayed on a screen. The viewer may manually initiate a scroll via the peripheral scrolling areas through the schedule information and may make a selection in order to obtain more information about a program of interest.

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Schein presents a detailed description of a program guide with a description of the scrolling function at paragraphs [0113] – [0115] followed by a description of an information glyph at paragraphs [0118] – [0121]. These descriptions show that Schein intends to replace the display of one item of selected information with the display of a more detailed capsule of information about that item when he states in paragraph [0119] that:

“Referring to FIG. 12, as soon as the user completes the click on the zoom-in-glyph 209b, a transitional animation ... occurs and the currently selected program item moves to a top window 209c and information about that program stretches downward in a central window 209d. The user interface directs the database engine to display program description text in the central window 209d. Both elements stretch horizontally to occupy the entire display area leaving only scroll zones around the periphery.”

This means that, as soon as the user activates the glyph program, description text is displayed on the entire display area leaving only the scroll zones around the periphery.

Schein does not describe or show two scrolling zones adjacent to each other. Instead, Schein appears to display a single list in matrix form that can be manually scrolled through by a user according to either broadcast time (left and right scroll) or broadcast channel (top and bottom scroll). The matrix is a single integrated list. Nowhere does Schein even remotely suggest that a second scrolling zone should be present on the display with the first scrolling zone or that the two scrolling zones should be adjacent, all as defined in claim 39.

Even if, for the sake of argument, Schein were to suggest that there were two scrolling zones, a characterization neither agreed to nor acquiesced to by Applicant, Schein would still lack any teaching or suggestion that items from the same list are displayed in the first and second scrolling areas, as defined in claim 39. Particular note should be made of the antecedent relationship between the recitation of “a list of items” and “the list of items” in claim 39. Schein describes the display of only a single list (matrix form) of items in a single scrolling zone. Two scrolling zones are not present at the same time in Schein. When an item is selected, Schein may display additional information about that selected item. But that additional information is not considered even remotely similar to or suggestive of items from the same list of items as the selected item.

Since Schein does not describe two scrolling zones for items of one list, Schein also does not describe an ability to change from one scrolling zone to the next, as defined in the claims. Schein is only capable of changing between successive display windows having either more or

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less information about a selected item. Schein never discloses two scroll zones adjacent to each other on the same display with an ability to change from one elected zone to another elected zone (previously non-elected zone).

It should be understood that a scroll area defined by Schein is a display area for a pointer or a cursor, which may operate scrolling. *See Schein at paragraph [0113]*. A scrolling zone defined by the claimed invention is a display area through which items from the list of items are dynamically displayed and then removed from display. In the claimed invention, the scrolling zone also includes a selection area in order to allow the user to select an item from the list of items in the particular scrolling zone. This is not shown, taught, or suggested by Schein.

In light of the remarks directly above, it is believed that claim 39 is not anticipated by Schein and that the elements of claim 39 would not have been obvious to a person of ordinary skill in the art upon a reading of Schein. Thus, it is submitted that claim 39 is allowable under 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Since claims 40-51 depend ultimately from claim 39 and include all the limitations thereof, it is believed that claims 40-51 are also not anticipated by Schein and that the elements of claim 40-51 would not have been obvious to a person of ordinary skill in the art upon a reading of Schein. Thus, it is submitted that claims 40-51 are allowable under 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

### ***Conclusion***

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

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Please charge the \$120 fee for the Petition for a One Month Extension, and any other fees that may be due, and credit any overpayments, to Deposit Account No. 07-0832.

Respectfully submitted,

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